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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 31 July 1998 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 52/135 of 12 December 1997 by which the Assembly, recognizing that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge , noted with concern that no Khmer Rouge leader had been brought to account for his crimes. Both the Assembly in the above-mentioned resolution and the Commission on Human Rights in its resolution 1997/49 of 11 April 1997 requested me, in collaboration with the Office of the United Nations High Commissioner for Human Rights, to examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of appointing a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.

I wish to inform you that, in accordance with those resolutions, I have decided to establish a Group of Experts composed of three eminent jurists, with the following mandate:

(a) To evaluate the existing evidence with a view to determining the nature of the crimes committed by Khmer Rouge leaders in the years 1975-1979;

(b) To assess, after consultation with the Governments concerned, the feasibility of bringing Khmer Rouge leaders to justice, their apprehension, detention and extradition or surrender to the criminal jurisdiction established;

(c) To explore options for bringing to justice Khmer Rouge leaders before an international or national jurisdiction.

I have appointed the following persons as members of the Group of Experts: Sir Ninian Stephen (Australia), who will be the Chairman of the Group, Mr. Rajsoomer Lallah (Mauritius) and Professor Stephen Ratner (United States of America).

Substantive and technical servicing of the Group of Experts will be provided by the Office of the United Nations High Commissioner for Human Rights and the Office of Legal Affairs. The Group will be based in Geneva and shall travel, as may be necessary, to New York and Cambodia.

As soon as the necessary financial arrangements are made, members of the Group will have their first meeting in New York for briefing by the United Nations departments and offices concerned.

In this connection, I have requested the Cambodian authorities to cooperate fully with the Group of Experts in the accomplishment of its mandate, to facilitate its work, observe the privileges and immunities of members of the Group and its support staff according to the 1946 Convention on the Privileges and Immunities of the United Nations, and respond positively to the Group's requests for security, communications and transportation arrangements. In particular, the Group shall have freedom of movement within the territory of Cambodia to carry out its mandate. It shall have free access to official archives, sites, establishments and sources of information it considers relevant, useful and reliable, and shall have the freedom to interview any person it judges necessary.

Upon the completion of its work, but not later than 31 December 1998, the Experts Group shall submit to me its report for transmittal to the General Assembly.

I would be grateful if you could bring the contents of the present letter to the attention of members of the General Assembly.

(Signed) Kofi A. ANNAN